

APPENDIX A

DEFINITIONS

The following definitions are an integral part of these rules and whenever used in these rules or in any personnel policy statement memorandum or correspondence these terms shall be understood to have the following meanings:

1. Administrative Review. Removal from State premises of an employee who has been charged with or is under investigation for the commission of a crime which would raise reasonable doubt concerning the employee's suitability for continued employment; or allegations of misconduct have been made and, if confirmed, the employee's presence on the job may be detrimental to the operation of the agency.
2. Agency. A department, board, commission or council of the Executive Branch of government; an agency may be governed by a board, commission, council, or may be directly responsible to the Governor.
3. Agency Head. The director of a State agency; the director may be responsible to a governing board, commission, council, or directly to the Governor.
4. Agency Management. An agency head, supervisor or other employee having the authority to exercise management rights, develop management policies or to effectively make such recommendations requiring the use of independent judgment not of a routine nature.
5. Applicant. A person who has submitted a State application to the Human Resources Division according to prescribed instructions and procedures.
6. Applicant Pool. A list of candidates who have passed the required minimum qualifications and have otherwise been determined to be eligible for appointment to specific classes.
7. Appointing Authority. An agency head, a person having constitutional or statutory authority to appoint candidates to positions or a specified management employee having lawfully delegated authority to appoint candidates to positions in the agency.
8. Appointment. The final selection of a candidate by an appointing authority subject to the approval of the Human Resources Division.
9. At-Will Appointment. An appointment of an individual to a position which is either statutorily required or approved by the Human Resource Division to serve at the pleasure of the Governor or Agency Head.

An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

10. At-Will Contract Employee. An individual hired by the State of Wyoming to provide technical or professional services through a contract which clearly states the duties, responsibilities, and benefits for a specific period of time. The terms and conditions of employment are defined in the contract.

11. Behavioral Competency - Behaviors obtained through formal or non-formal education, work experience, or other means. They are described in observable and measurable terms that are necessary in order to perform a particular type or level of work activity. They are behavioral characteristics, defining qualities each employee needs not only to be successful at their job, but to excel in carrying out the mission of the State.

12.14. Bonus Payments. Money or an equivalent given as an addition to an employee's usual compensation as a non-base pay adjustment.

13.12. Break in Service. See Separation.

14.13. Call-Back Pay. A non-base pay adjustment given to a non-exempt employee who is called back to work during other than normally scheduled work hours.

15.14. Candidate. A person who may be given selection consideration for appointment.

16.15. Candidate Group. Those applicants who may be given selection consideration for appointment from the applicant pool.

17.16. Class or Classification. A set of similar positions classified to the same grouping and designated by a class title and class code. Class and Classification are interchangeable terms under these rules.

18.17. Compensation Adjustment: A change in the base pay for an employee who remains in the same position number and the same classification.

19.18. Compensatory Time, Non-Exempt. Time which may be taken with pay for overtime worked by a non-exempt employee.

20.19. Compressed Work Week. A compressed workweek is a forty (40) hour work week completed in fewer than five days by increasing the number of hours worked per day.

21.20. ——— Core Functions. – Core functions of a job are the reason the job exists.

22.21. Day. A calendar day, unless otherwise specified.

~~23.22.~~ Disciplinary Suspension. Suspension from State service of an employee, without pay, for cause for up to thirty (30) days in a calendar year.

~~24.23.~~ Dismissal. Involuntary separation from State service.

~~25.24.~~ Educational Compensation. Compensation of up to 100% of an employee's base pay during the time when educational leave is granted.

~~26.25.~~ Eligible Applicant. Applicants who have passed all appropriate examinations, have been approved by the Human Resources Division as meeting minimum qualifications and from whom selection consideration for appointment to a specific recruitment has been determined.

~~27.26.~~ Emergency Appointment. An appointment made in response to an emergency, threatening public health, safety or welfare.

An emergency employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

~~28.27.~~ Employee. A person working in and compensated by the Executive Branch of State Government, over which management has the right to direct and control the way the person works, both as to the final results and as to the details of when, where and how the work is done.

~~29.28.~~ Employee Status. A designation based on the most recent of the following types of appointments: probationary, permanent, temporary, emergency, intermittent, at-will, or student intern.

30. End of Service Leave. The use of accrued unused vacation leave for employees terminating from state service for all reasons except disciplinary action in lieu of receiving a lump sum payment for accrued unused vacation leave.

~~31.29.~~ Exempt Paid Time Off. Time which may be taken by an exempt employee as authorized leave with pay for having worked on an official state holiday.

~~32.30.~~ Ex-parte Communication – Communication with one side or one party of a grievance without the other party present.

~~33.31.~~ Equivalent Service. The amount of Executive Branch service, calculated on the basis of the number of months actually worked or on authorized leave (except leave without pay, educational leave or disciplinary suspension).

34. Evaluation period - The length or portion of time established under a performance management system for reviewing employee performance. (2011 starts October 1st and ends Sept 30th.)

~~35.32.~~ Examination or Exam. Any process, procedure, rating, interview, test, evaluation or assessment, whether scored or not scored, formal or informal, which affects a person's eligibility for, or consideration for, appointment.

~~36.~~ Executive. An individual appointed by the governor or a state board or commission to serve as a cabinet director or separate operating agency director. This does not include the executive secretary or director, board administrator or head of a board or commission.

~~37.33.~~ Exempt Employee. An employee who is not subject to receive overtime in accordance with the Fair Labor Standards Act.

~~38.34.~~ Factors. Elements used to determine a job's value to the Executive Branch of State Government.

~~39.35.~~ Flextime. Flextime allows the employee, with the agency head's approval, to choose an arrival and departure time within a specified time period as their regular work schedule.

~~40.~~ Focal Date - A system in which all Wyoming State employees are evaluated on the same date annually (i.e. September 30th).

~~41.36.~~ Full-Time Position. An authorized position funded for a salary expenditure of at least forty (40) hours of work per week.

~~42.37.~~ Furlough. Unpaid leave approved by the Governor.

~~43.38.~~ Geographical Area. An area surrounding a work location which includes those places within a distance from which an employee would reasonably be expected to be willing to commute to work. For purposes of these rules such distance will normally be considered to be fifty (50) miles from the work location.

~~44.~~ Goals. Specific, measurable, attainable, relevant and time based acts or processes based on the primary areas of responsibility that are a regular part of the job or based on a particular assignment or special project that reflects and establishes what shall be accomplished during the performance evaluation period.

~~45.39.~~ Grievance. Any dispute, excluding dismissal or an involuntary separation due to a reduction in force, between a permanent employee and management of the employee's agency which involves the interpretation or application of policies, rules, regulations and/or statutes which have been adopted by an agency, Governor's Executive Order or the State Legislature to cover personnel practices and/or working conditions.

~~46.40.~~ Holiday Premium, Exempt. Exempt employees who are required to work on the official state holiday shall be granted paid time off at the rate of one and one-half hours off for each hour worked.

~~47.41.~~ Holiday Premium, Non-exempt. Non-exempt employees who are required to work on the official state holiday shall be granted either holiday premium pay or compensatory time at one and one-half times their compensation rate for all hours worked.

~~48.42.~~ Hours of Work. Generally, hours worked includes all time the employee is required to be on duty or on the agency's premises or at a prescribed work place and all time that employee is suffered or permitted to work for the State.

~~49.43.~~ Human Resources Division. The Human Resources Division of the Department of Administration and Information established pursuant to W.S. 9-2-1019 through 9-2-1022.

~~50.44.~~ (a) Immediate Family. A person who is related to an employee and is a spouse, parent, stepparent, parent-in-law, child, stepchild, child-in-law, sibling, half-sibling, step-sibling, sibling-in-law, grandparent, step-grandparent, grandparent-in-law, and grandchild.

(b) Immediate Family for FMLA purposes. In accordance with the FMLA: a spouse (husband, or wife as the case may be), parent (employee's biological parent or someone who stood in loco parentis (in place of a parent) to an employee but not a parent-in-law), child (a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent)). The child shall be under 18 years or older and incapable of self-care because of a mental or physical disability.

~~51.45.~~ Interim Assignment. The assignment of an employee to a different position for a period not to exceed twelve (12) months.

~~52.46.~~ Involuntary Reappointment. An unsought appointment of a permanent or probationary employee, by the employee's agency head or designee, due to a reduction in force or unsatisfactory work performance, or agency reorganization. Such appointments will be made to a different position in a different classification having the same or lower grade than the employee's current classification.

~~53.47.~~ Job-Shared Position. See Time-Shared Position.

~~54.48.~~ Layoff. See Reduction in Force.

~~55.49.~~ Leave. An authorized absence from work during normally scheduled working hours.

| ~~56.50.~~ Management Employee. See Agency Management.

| ~~57.51.~~ Memo of Understanding. The Memorandum of Understanding between the agency and the employee is a legally binding document that establishes a clear understanding of the role and responsibilities between the agency, the supervisor, and the teleworking employee.

| ~~58.52.~~ Minimum Qualifications. Standards which designate the typical types and minimum levels of training and/or experience through which one would be expected to acquire the knowledge, skills, abilities and other requirements necessary for performance upon entry to a class.

| ~~59.53.~~ Non-exempt Employee. An employee who is subject to receive overtime in accordance with the Fair Labor Standards Act.

| ~~60.54.~~ Non-permanent Employee. Any employee other than a permanent employee.

A non-permanent employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.
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| ~~61.55.~~ Official State Workweek. The official state workweek begins at 12:01 A.M. Saturday, continues for seven (7) consecutive days (168 hours) and ends at 12:00 midnight on Friday.

| ~~62.56.~~ On-Call Pay. A non-base pay adjustment for non-exempt employees who are required to remain on the agency's premises or so close that the time cannot be used effectively for that employee's own purposes.

| ~~63.~~ Overall Score - The calculated rating for all performance components.

| ~~64.57.~~ Overtime. Time worked by a non-exempt employee in excess of the workweek standard or the work period standard.

| ~~65.58.~~ Part-Time Position. An authorized position funded for a salary expenditure of less than forty (40) hours of work per week.

| ~~66.59.~~ Pay Range. The range of pay rates, from minimum to maximum, set for a class. Used as a policy for setting individual employee pay or salary rates.

| ~~67.60.~~ Pay Rate. A set dollar amount between the minimum and maximum of a pay range.

| ~~68.61.~~ Pay Table(s). A schedule of pay ranges for each class in the classification system.

~~62. Performance Appraisal. System of determining how well an individual employee has performed during a period of time.~~

69. Performance Evaluation - The process and the determination through observation and careful study of the employee's overall behavior and goal outcomes to meet the target and objectives of the agency and the State.

70. Performance Improvement Plan - A written document used to guide an employee toward achieving a rating above "unsatisfactory" on the annual performance evaluation. This can be in the form of a letter or memo to the employee identifying specific steps to improve performance within a forty-five day period.

71. Performance Management - An ongoing, continuous process of communicating and clarifying job responsibilities, priorities and performance expectations in order to ensure mutual understanding between supervisor and employee. It is a philosophy which values and encourages employee development through a style of management which provides frequent feedback and fosters teamwork. It emphasizes communication and focuses on adding value to the organization by promoting improved job performance and encouraging skill development. It involves clarifying the job duties, defining performance standards, and documenting, evaluating and discussing performance with each employee.

~~72.63. Permanent Appointment. The appointment of an employee to permanent status upon completion of the probationary period.~~

~~73.64. Position. A job for which funding has been authorized by the Governor or the Legislature, consisting of a set of assigned tasks with defined boundaries of responsibility and authority.~~

~~74.65. Position Class. See Class or Classification.~~

~~75.66. Probationary Appointment. An appointment of a candidate to a position in a class to serve a probationary period.~~

A probationary employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time during the probationary period without cause or reason.

~~76.67. Probationary Period. An examination period utilized for closely observing an employee's work, for securing the most effective adjustment of the employee to the position and for dismissing any employee without right of appeal.~~

A probationary employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time during the probationary period without cause or reason.

~~77.68.~~ Promotion. An appointment of an employee having permanent or probationary status, through a competitive recruitment process, to a different position number with a different classification having a higher grade.

~~78.69.~~ Qualified applicant - See Eligible Applicant.

~~79.~~ Rating - Summarizes performance by evaluating against components in an employee performance plan then compares performance over a period of time with absolute measurement scales that indicate varying levels of performance.

~~80.~~ Rating Scale - Describes the varying levels of proficiency of performance into which each competency and goal can be divided. It is used to assign a performance rating for each performance component on the performance evaluation.

~~81.70.~~ Reappointment. See Involuntary Reappointment and Voluntary Reappointment.

~~82.71.~~ Reclassification. The assignment of a position to a different classification.

~~83.72.~~ Recruitment. A process to attract suitable numbers of qualified applicants to compete for appointments.

~~84.73.~~ Reduction in Force. A reduction in force is an involuntary separation of an employee from State service due to a shortage of funds, lack of work, organizational changes, or other reasons of business necessity which requires a reduction in staff.

~~85.74.~~ Re-employment. An employee re-employed to the same classification within four (4) months after separation provided they meet the specific minimum qualifications.

~~86.75.~~ Reinstatement. The re-employment to any class of a previous permanent employee within twenty-four (24) months of a separation due to a reduction in force.

~~87.76.~~ Relative(s). A person connected with another by blood or marriage.

~~88.77.~~ Resignation. Voluntary separation from state service.

~~89.78.~~ Selection Examination or Consideration. An interview, background evaluation or other examination of candidates used in making an appointment decision.

~~90.79.~~ Separation. A break in service resulting from a resignation, termination, retirement, dismissal or reduction in force. A twenty four (24) hour break in service not including normal days off.

~~91.80.~~ Serious Health Condition. Is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility; or continuing treatment by a health care provider.

| ~~92.81.~~ Service Credits.

| (a) The number of calendar months during which work was actually performed in the Executive, Judicial or Legislative Branch which has not been interrupted by a separation. If a previous permanent employee is reinstated to State service within twenty-four (24) months of a reduction in force, then such separation shall not constitute a break in continuous service; however, the time period during the separation does not count as months worked. If an employee receives another appointment effective on the next work day following the effective date of a separation, then such separation shall not constitute a break in continuous service.

| (b) Credit shall not be given for a calendar month in which an employee was on leave without pay, educational leave, or disciplinary suspension when no work was actually performed. Time during which an employee was absent from work because of a valid workers' compensation claim or Family and Medical Leave, while not considered as time worked, shall be included in calculating the total number of months of continuous service. Time during which an employee was on any other authorized leave shall be considered time worked for purposes of this definition.

| ~~93.82.~~ Shift Differential. A premium paid to those employees whose regularly assigned hours of work are outside 6 am to 6 pm Monday through Friday.

| ~~94.83.~~ Specific Minimum Qualifications. Specific minimum qualifications are separate distinctive minimum qualifications established within a classification.

| ~~95.84.~~ Student Intern Appointment. A time-limited appointment made of a student where such employment constitutes a recognized phase of the student's educational or training program.

| ~~96.85.~~ Supervisor. An employee having statutory or properly delegated authority to appoint, suspend, transfer, promote, dismiss, lay off, demote, assign work, reward, direct, resolve grievances of or discipline other employees; or to effectively recommend such actions if the exercise of such authority requires the use of independent judgment and is not routine in nature.

| ~~97.86.~~ Supplementary Compensation. A non-base pay adjustment given to employees in accordance with the State Compensation Policy.

| ~~98.87.~~ Suspension. See Disciplinary Suspension.

| ~~99.88.~~ Telework. Telework allows state employees to conduct state business from an approved remote work site other than their regular office.

| ~~100.89.~~ Temporary Appointment. An appointment of a candidate to a position in a class for a limited period of time.

A temporary employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

~~101.90.~~ Termination. A separation of an employee in good standing.

~~102.94.~~ Test. See Examination.

~~103.92.~~ Time-Limited Appointment. An emergency, intermittent, temporary, or student intern appointment made for defined duration.

A time-limited employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

~~104.93.~~ Time-Limited Position. An authorized position funded for a limited time period.

~~105.94.~~ Time-Shared Position. Two (2) employees who voluntarily occupy one (1) position or three (3) employees who voluntarily occupy two (2) positions with the agency head's approval, providing that the total salary expenditures for those employees do not exceed the amount authorized for the position or positions (W.S. 9-2-1022 (f)).

~~106.95.~~ Training Expenses. Reimbursement of expenses to employees by the state for job-related training.

~~107.96.~~ Transfer. The appointment of an employee from one agency to another agency within the same classification.

~~108.97.~~ Voluntary Reappointment. A reappointment of a permanent or probationary employee voluntarily seeking an appointment to a different position in a different class having the same or lower grade than the employee's current class.